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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

GOMEZ et al.

Serial No. 10/076,515

Filed: February 19, 2002

For: PARTICULATE POLYMERS AS FILTER AIDS

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) Art Unit: 1724
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) Examiner: HRUSKOCI, P
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GROUP 1700

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Mary Chadwick

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Response Under 37 CFR 1.111

Sir:

In response to the office action mailed June 27, 2003, the applicants submit the request for reconsideration.

Claims 1-15 are pending in this application.

Claims 11-15 stand withdrawn from further consideration by the examiner as being directed to a nonelected invention.

The examiner is requested to favorably reconsider the rejection of claims 1-10 as being unpatentable over Van Den Eynde et al. in view of Ernst et al.. Contrary to the examiner's interpretation of Ernst et al., this reference teaches polymers which comprise from 50 to 99% by weight of styrene or styrene derivatives, from 0.1 to 40% by weight of at least 1 N-vinyl lactame or N-vinylamine and from 0.1 to 10% by weight of at least 1 difunctional cross-linking monomer, provided that the stated percentages by weight of the individual monomers are based on the total amount of polymer and some 200%.

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Consequently, the polymers of Ernst et al. cannot contain at least 20% by weight of a polymerized unsaturated monocarboxylic acid as in the polymers recited in the instantly claimed method. Indeed, Ernst et al. do not provide any suggestion that those polymers can contain a polymerized unsaturated monocarboxylic acid. Thus, the polymers used in the present claims are different from those disclosed by Ernst et al.

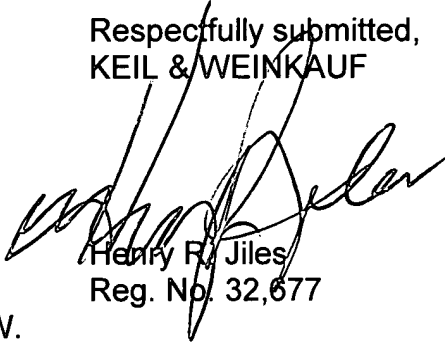
Moreover, the examiner overlooks the fact that the instantly claimed method provides an unexpected advantage (see page 14, paragraph II.1(Sedimentation in Water) and the results noted in table 2 at page 14, line 15). Those filter aids of the prior art which are based on organic polymers suffer from a poor sedimentation in water which is an essential property when the filter aids are used for filtration of aqueous liquids and especially for precoat filtration (see page 2, lines 38 to 40 of the present specification). This disadvantage can be overcome by the use of the polymers recited in the instant claims as can be seen from the data presented in table 2 on page 15 of the applicants' specification. This advantage is not suggested by the prior art and, therefore, renders the applicants' invention unobvious.

In view of the foregoing remarks and the data reported in the applicants' specification, the applicants respectfully urge that the invention claimed herein is patentable, and a notice of allowance is solicited.

To the extent necessary, applicant(s) petition for an Extension of Time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

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Respectfully submitted,
KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Henry R. Jiles", is written over the typed name and registration number.

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